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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERATURAN-PERATURAN CAP DAGANGAN (PENEPIAN DAN PENGUBAHSUAIAN FI) 2020

TRADEMARKS (WAIVER AND MODIFICATION OF FEE) REGULATIONS 2020

DISIARKAN OLEH/
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AKTA CAP DAGANGAN 2019

PERATURAN-PERATURAN CAP DAGANGAN
(PENEPIAN DAN PENGUBAHSUAIAN FI) 2020

PADA menjalankan kuasa yang diberikan oleh perenggan 162 (2)(f) Akta Cap Dagangan 2019 [*Akta 815*], Menteri membuat peraturan-peraturan yang berikut:

Nama dan permulaan berkuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Cap Dagangan (Penepian dan Pengubahsuaian Fi) 2020**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 1 Januari 2021.

Takrifan

2. Bagi maksud Peraturan-Peraturan ini, “langkah-langkah pengawalan atau pencegahan” ertinya langkah-langkah yang ditetapkan, dibuat dan diambil di bawah Akta Pencegahan dan Pengawalan Penyakit Berjangkit 1988 [*Akta 342*] yang bertujuan untuk mengawal atau mencegah merebaknya Penyakit Koronavirus 2019 (COVID-19).

Penepian fi

3. (1) Fi yang dikenakan kepada mana-mana individu, perkongsian, persatuan, pertubuhan perbadanan atau institusi di bawah Jadual Pertama Peraturan-Peraturan Cap Dagangan 2019 [*P.U. (A) 373/2019*] diketepikan bagi perkara yang berikut:

(a) berhubung dengan butiran 7, permohonan pindaan nama atau alamat rumah pemohon dan pembetulan nama atau alamat rumah tuan punya berdaftar;

(b) berhubung dengan butiran 27, permohonan pelanjutan masa bagi prosiding lain selain bantahan; dan

(c) berhubung dengan butiran 32, pemfailan dokumen secara manual.

(2) Penepian di bawah perenggan 1(*a*) dan (*b*) hendaklah terpakai bagi mana-mana individu, perkongsian, persatuan, pertubuhan perbadanan atau institusi yang terkesan dengan langkah-langkah pengawalan atau pencegahan dan tertakluk kepada peraturan 4.

Permohonan bagi penepian fi

4. (1) Permohonan bagi penepian fi di bawah perenggan 3(1)(*a*) dan (*b*) hendaklah—

- (*a*) dibuat dalam borang yang ditentukan oleh Pendaftar;
- (*b*) dibuat dalam tempoh antara 1 Januari 2021 hingga 30 Jun 2021; dan
- (*c*) disertakan dengan dokumen sokongan untuk membuktikan bahawa:
 - (i) bagi apa-apa permohonan yang dibuat oleh individu:
 - (A) pemohon adalah daripada kumpulan B40 yang layak untuk menerima Bantuan Sara Hidup atau Bantuan Prihatin Nasional; atau
 - (B) pendapatannya terkesan dengan langkah-langkah pengawalan atau pencegahan; atau
 - (ii) bagi apa-apa permohonan yang dibuat oleh mana-mana perkongsian, persatuan, pertubuhan perbadanan atau institusi pemohon:
 - (A) telah memperoleh kelulusan bagi penyambungan moratorium atau apa-apa fleksibiliti pembayaran balik daripada mana-mana institusi kewangan;

- (B) mempunyai masalah aliran tunai akibat langkah-langkah pengawalan atau pencegahan; atau
- (C) menghadapi keberhutangan dan kesulitan membuat pembayaran balik hutang akibat langkah-langkah pengawalan atau pencegahan.

(2) Jika permohonan bagi pendaftaran cap dagangan atau cap dagangan berdaftar mempunyai lebih daripada seorang tuan punya, kehendak di bawah subperenggan 1(c)(i) atau (ii) disifatkan telah dipatuhi jika salah seorang tuan punya mematuhi kehendak tersebut.

Pengubahsuaian fi

5. (1) Tertakluk kepada peraturan 6, fi yang dikenakan kepada mana-mana individu, perkongsian, persatuan, pertubuhan perbadanan atau institusi yang terkesan oleh langkah-langkah pengawalan atau pencegahan di bawah Peraturan-Peraturan Cap Dagangan 2019 [*P.U. (A) 373/2019*] bagi butiran dan perkara yang dinyatakan dalam ruang (1) dan ruang (2) Jadual diubah suai sebagaimana yang dinyatakan dalam ruang (3).

(2) Pengubahsuaian fi di bawah subperaturan (1) hendaklah terpakai bagi pendaftaran cap dagangan yang habis tempoh antara 1 Januari 2021 hingga 30 Jun 2021.

Permohonan bagi pengubahsuaian fi

6. (1) Permohonan bagi pengubahsuaian fi di bawah subperaturan 5(1) hendaklah—

- (a) dibuat dalam borang yang ditentukan oleh Pendaftar;
- (b) dibuat dalam tempoh enam bulan selepas tarikh habis tempoh pendaftaran yang disebut dalam subseksyen 39(5) Akta; dan

(c) disertakan dengan dokumen sokongan untuk membuktikan bahawa:

(i) bagi apa-apa permohonan yang dibuat oleh individu:

(A) pemohon adalah daripada kumpulan B40 yang layak untuk menerima Bantuan Sara Hidup atau Bantuan Prihatin Nasional; atau

(B) pendapatannya terkesan dengan langkah-langkah pengawalan atau pencegahan; atau

(ii) bagi apa-apa permohonan yang dibuat oleh mana-mana perkongsian, persatuan, pertubuhan perbadanan atau institusi pemohon:

(A) telah memperoleh kelulusan bagi penyambungan moratorium atau apa-apa fleksibiliti pembayaran balik daripada mana-mana institusi kewangan;

(B) mempunyai masalah aliran tunai akibat langkah-langkah pengawalan atau pencegahan; atau

(C) menghadapi keberhutangan dan kesulitan membuat pembayaran balik hutang akibat langkah-langkah pengawalan atau pencegahan.

(2) Jika permohonan bagi pendaftaran cap dagangan atau cap dagangan berdaftar mempunyai lebih daripada seorang tuan punya, kehendak di bawah subperenggan 1(c)(i) atau (ii) disifatkan telah dipatuhi jika salah seorang tuan punya mematuhi kehendak tersebut.

JADUAL
[Peraturan 5]

(1)		(2)		(3)
<i>Peruntukan bersamaan di bawah Jadual Pertama kepada Peraturan-Peraturan Cap Dagangan 2019 [P.U. (A) 373/2019]</i>		<i>Perkara</i>		<i>Fi (RM)</i>
Butiran 13		Permintaan bagi pembaharuan lewat		1000 (bagi setiap kelas)

Dibuat 23 Disember 2020
[KPDN.100-1/3/3; PN(PU2)316/VI]

DATO SRI ALEXANDER NANTA LINGGI
*Menteri Perdagangan Dalam Negeri
dan Hal Ehwal Pengguna*

TRADEMARKS ACT 2019

TRADEMARKS (WAIVER AND MODIFICATION OF FEE) REGULATIONS 2020

IN exercise of the powers conferred by paragraph 162 (2)(f) of the Trademarks Act 2019 [Act 815], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Trademarks (Waiver and Modification of Fee) Regulations 2020**.

(2) These Regulations come into operation on 1 January 2021.

Interpretation

2. For the purpose of these Regulations, “control or prevention measures” means measures prescribed, made or taken under the Prevention and Control of Infectious Diseases Act 1988 [Act 342] intended to control or prevent the spread of the Coronavirus Diseases 2019 (COVID-19).

Waiver of fee

3. (1) The fees imposed to any individual, partnership, association, body corporate or institution under the First Schedule of the Trademarks Regulations 2019 [P.U. (A) 373/2019] are waived for the following matters:

- (a) in respect of item 7, application for amendment of name or address of applicant and correction of name or address of registered proprietor;
- (b) in respect of item 27, request for extension of time for other than opposition proceedings; and
- (c) in respect of item 32, filing of document manually.

(2) The waiver under paragraphs 1(a) and (b) shall apply to any individual, partnership, association, body corporate or institution affected with the control or prevention measures and subject to regulation 4.

Application for waiver of fee

4. (1) An application for a waiver of fees under paragraphs 3(1)(a) and (b) shall be—

- (a) made in the form as determined by the Registrar;
- (b) made within the period of 1 January 2021 until 30 June 2021; and
- (c) accompanied with the supporting document to prove that—
 - (i) for any application made by an individual:
 - (A) the applicant is from the B40 group who is entitled for the Household Living Aid or Prihatin National Aid; or
 - (B) his income is affected with the control or prevention measures; or
 - (ii) for any application made by any partnership, association, body corporate or institution, the applicant:
 - (A) has obtained approval for the extension of moratorium or any repayment flexibility from any financial institution;
 - (B) has cash flow problem affected with the control or prevention measures; or

- (C) has pecuniary indebtedness and problem on repayment of debts affected with the control or prevention measures.

(2) If an application for registration of trademark or a registered trademark has more than one proprietor the requirements under subparagraphs (1)(c)(i) or (ii) are deemed to be complied with if one of the proprietors satisfies such requirements.

Modification of fee

5. (1) Subject to regulation 6, the fee imposed to any individual, partnership, association, body corporate or institution affected with the control or prevention measures in the Trademarks Regulations 2019 [P.U. (A) 373/2019] for item and matter as specified in column (1) and column (2) of the Schedule is modified as specified in column (3).

(2) The modification of fee under subregulation (1) shall be applied to the registration of trademark which expires between 1 January 2021 until 30 June 2021.

Application for modification of fee

6. (1) An application for modification of fee under subregulation 5(1) shall be—
- (a) made in the form as determined by the Registrar;
 - (b) made within the period of six months after the date of expiry of registration referred to in subsection 39(5) of the Act; and
 - (c) accompanied with the supporting document to prove that—
 - (i) for any application made by an individual:
 - (A) the applicant is from the B40 group who is entitled for the Household Living Aid or Prihatin National Aid; or

(B) his income is affected with the control or prevention measures; or

(ii) for any application made by any partnership, association, body corporate or institution the applicant:

(A) has obtained approval for the extension of moratorium or any repayment flexibility from any financial institution;

(B) has cash flow problem affected with the control or prevention measures; or

(C) has pecuniary indebtedness and problem on repayment of debts affected with the control or prevention measures.

(2) If an application for registration of trademark or a registered trademark has more than one proprietor the requirements under subparagraphs (1)(c)(i) or (ii) are deemed to be complied with if one of the proprietors satisfies such requirements.

SCHEDULE
[Regulation 5]

(1)		(2)		(3)
<i>Corresponding provision under the First Schedule of the Trademarks Regulations 2019 [P.U. (A) 373/2019]</i>		<i>Matter</i>		<i>Fee (RM)</i>
Item 13		Request for late renewal		1000 (for each class)

Made 23 December 2020
[KPDN.100-1/3/3; PN(PU2)316/VI]

DATO SRI ALEXANDER NANTA LINGGI
*Minister of Domestic Trade and
Consumer Affairs*